UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25366
4 March 1993

ORIGINAL: ENGLISH

LETTER DATED 4 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF VIET NAM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instruction from my Government, I have the honour to request you kindly to circulate as a document of the Security Council a statement made on 2 March 1993 by the spokeswoman of the Ministry of Foreign Affairs of Viet Nam, concerning the allegations of the United Nations Transitional Authority in Cambodia (UNTAC) about the presence of Vietnamese troops in Cambodia.

(Signed) TRINH XUAN LANG
Permanent Representative

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Annex

Statement dated 2 March 1993 by the Ministry of Foreign Affairs of Viet Nam concerning the alleged presence of Vietnamese troops in Cambodia

On 1 March 1993 in Phnom Penh, the spokesman of the United Nations Transitional Authority in Cambodia (UNTAC) declared that UNTAC had identified three Vietnamese who served with the Vietnamese armed forces in Cambodia, remained in Cambodia, had been issued identity cards by the Phnom Penh authorities, were married to Cambodian women and had children with them. UNTAC regards these three persons as foreign forces and asks the Vietnamese Government to accept them back as Vietnamese.

On this issue the spokeswoman of the Foreign Ministry is authorized to make the following statement:

1. Viet Nam's consistent stance is to respect fully the Paris Agreement on Cambodia and strictly implement the provisions of the Agreement related to Viet Nam. As early as 1982, Viet Nam began withdrawing and had completely withdrawn its troops from Cambodia in September 1989. Viet Nam's goodwill attitude has created favourable conditions for the signing of the Paris Agreement providing a political settlement to the Cambodia issue. Since then Viet Nam has not sent any troops back to Cambodia in any form. UNTAC and Prince Sihanouk have many times confirmed that there is no evidence to prove that Vietnamese troops remain in Cambodia. World public opinion has welcomed and recognized Viet Nam's goodwill.

2. The question of foreign forces in Cambodia is defined in article 8 of the Paris Agreement. On 9 September 1992 Mr. Akashi, head of UNTAC, gave his official definition of foreign forces as follows:

> "This is a group of armed foreigners, organized for a given collective act and under the control and direction of a foreign authority. They might have been military personnel but later left their ranks or retired to become civilians or changed to other professions. But the essential is whether or not they continue to take order, instruction or control from a foreign Government."

The 3 August 1992 document of UNTAC on foreign forces and UNTAC obligations in the framework of the Paris Agreement also repeats that above-said definition and rejects the intention to broaden the definition of foreign forces in contravention of the objectives of the Paris Agreement.

Thus, the three cases mentioned above obviously do not come under the definition of foreign forces. The UNTAC spokesman himself also recognized that these three men returned to civilian life in 1983 and 1985, that they were married to Cambodian women and had children with them and that they were issued with Cambodian identity cards. They have become Cambodian of Vietnamese origin and the State of Viet Nam has absolutely no jurisdiction upon them.

The deliberate labelling of them as a foreign force and the demand to repatriate them to Viet Nam is contrary to the letter and spirit of the Paris Agreement and the definition by UNTAC itself, and runs counter to international documents on human rights. The Vietnamese Government categorically rejects this qualification and cannot accept them back.

3. Most worthy of concern is that the forces who have been undermining the implementation of the Paris Agreement, especially the "Democratic Kampuchea" faction, have repeatedly clamoured that Vietnamese troops remain in Cambodia and even barbarously massacred Vietnamese residents in Cambodia so as to cover up their dark designs and hamper the process of implementing the peace solution in Cambodia. The above wrong accusation only helps these forces to mislead public opinion on the real cause of the present complicated situation in Cambodia and lends them a hand to sabotage the peace process, which may lead to unpredictably serious consequences. It may adversely affect the prestige of UNTAC.

Viet Nam holds that all the signatories to the Paris Agreement and UNTAC must seriously and strictly implement the Agreement, that the present urgent necessity is to prevent the Democratic Kampuchea faction from undermining the implementation of the Agreement. As always, Viet Nam is prepared to cooperate with UNTAC and the parties concerned in the implementation of the Paris Agreement on Cambodia in the interests of peace and stability in the region.